

2**Liebesman v. Competitor Group, Inc.,**

Case No.: 14-CV-01653-RLW

ALL-STATE LEGAL

- A former race crew volunteer (the “Plaintiff”) at the 2011 and 2012 Rock ‘n’ Roll Marathons/Half-Marathons, filed a lawsuit on behalf of herself and other race crew volunteers against Competitor Group, Inc. (“CGI”), which created and manages the Rock ‘n’ Roll Event Series, claiming that CGI violated federal law by failing to pay volunteers minimum wages.
- The lawsuit is proceeding as a collective action on behalf of race crew volunteers who volunteered at Rock ‘n’ Roll Event Series races between [insert 3 years prior to issuance of Notice] and the present.
- The Court has not determined whether Plaintiff’s claims have merit, or whether this action will ultimately be tried as a collective action.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

EFFECT OF JOINING THE LAWSUIT	If you choose to join the lawsuit, you will be bound by the judgment or settlement, if any, whether it is favorable or unfavorable. If you join the lawsuit, and the Court rules in favor of CGI, you will not be entitled to any relief. While this lawsuit is pending, you may be required to respond to written questions, sit for a deposition in or near St. Louis, Missouri and/or testify in Court.
DO NOTHING	If you choose not to join the lawsuit, you will not be affected by any judgment or settlement, whether favorable or unfavorable.

To ask to be included in the lawsuit, you must act before [insert date 60 days from e-mailing].

NO OPINION EXPRESSED AS TO MERITS OF THE CASE

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this lawsuit. The U.S. District Court for the Eastern District of Missouri expresses no opinion regarding the merits of the claims made by Plaintiff or the defenses of CGI. There is no assurance at this time that any relief will be granted nor, if granted, the nature and amount of relief.

1. Why did I get this notice?

You are getting this notice because CGI’s records show that you were a race crew volunteer at one or more Rock ‘n’ Roll Marathon/Half-Marathon Series events in the United States from [insert 3 years prior to issuance of Notice] to the present.

2. What is this lawsuit about?

The Plaintiff alleges that CGI race crew volunteers should have been paid minimum wages for all hours worked for CGI as volunteers because they claim that the FLSA does not permit for-profit entities such as CGI to accept the work of volunteers. Plaintiff therefore claims that all volunteers were “employees” for purposes of the FLSA. CGI denies that it was required to pay Plaintiff and other volunteers minimum wages for all hours worked because it claims that those who, “without promise or expectation of compensation, but solely for his or her personal purpose or pleasure, worked in activities carried on by” it are volunteers rather than employees. CGI therefore argues that its volunteers were not “employees” and therefore are not entitled to the federal minimum wage under the FLSA.

The lawsuit is known as Liebesman v. Competitor Group, Inc., Case No. 14-CV-01653-RLW, and is pending before the Honorable Ronnie L. White in the United States District Court for the Eastern District of Missouri. The Court has not decided whether Plaintiff or CGI’s claims are correct, and may decide that neither’s claims are correct.

3. What is a collective action and who is involved?

In a collective action, one or more individuals (called “Plaintiffs”) can bring a lawsuit on behalf of others who are “similarly situated” to them. The Plaintiff in this case is Yvette Joy Liebesman. All volunteers who join the case will be opt-in plaintiffs and become members of the “Collective.” One Court will resolve the issues for the Collective.

4. Why is this lawsuit a Collective Action?

The Court has made a preliminary determination that the Plaintiff is similarly situated to other CGI race crew volunteers and authorized this case to proceed as a collective action under Section 216(b) of the Fair Labor Standards Act (“FLSA”). The Court has made no determination that these claims do or do not have merit, and may later determine that this case cannot proceed on a collective basis. Your continued right to participate in the lawsuit will depend upon a later decision by the Court that you and Plaintiff are “similarly situated” under the Fair Labor Standards Act.

5. What is CGI’s position?

CGI permits those who wish to do so to volunteer their time to provide a variety of activities at races and events CGI organizes in cities all over the country. CGI has never told such volunteers that they would be paid for their time. Because CGI believes that volunteers understood that they would not be paid for their time, and because it believes most, if not all volunteers gave their time “without promise or expectation of compensation, but solely for his or her personal purpose or pleasure” it does not believe that Plaintiff and other volunteers were “employees” under applicable law. CGI also opposed Plaintiff’s request to send out this Notice because it does not believe Plaintiff is similarly situated to all of its past and present volunteers.

6. Has the Court decided who is right?

The Court has not decided whether CGI has violated the law. By allowing this case to proceed as a Collective Action and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose the case.

7. What is the Plaintiff asking for?

The Plaintiff seeks to recover unpaid minimum wages, liquidated damages, attorneys' fees, and costs for herself and the members of the Collective.

8. Can I join the collective?

Yes, if you were a race crew volunteer for CGI between [insert 3 years prior to issuance of Notice] and the present.

9. What happens if I do nothing at all?

If you do not choose to join this lawsuit, you will not be affected by any decision in this case, whether favorable or unfavorable. You will not be entitled to share in any relief obtained by the Plaintiff as part of the lawsuit. You also will be free to hire your own lawyer and file your own lawsuit.

10. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment relating to the FLSA claims, whether favorable or unfavorable. You will also share in any relief obtained by the Collective. By joining this lawsuit, you designate the Plaintiff as your representative, and to the fullest extent possible, agree that he may make decisions on your behalf concerning the case, the method and manner of conducting the case, the payment of attorneys' fees and court costs, the approval of any settlement, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit. While this suit is pending, you may be asked to provide documents or information relating to your work for CGI, and may be required to answer written questions, sit for a deposition in or near St. Louis, Missouri and/or testify in Court.

If you join this lawsuit, and the Court rules in favor of CGI, you will not be entitled to any relief, and you may have to pay some portion of the costs and attorneys' fees incurred by CGI.

11. Can CGI and/or my current employer retaliate against me if I join the lawsuit?

No. It is a violation of federal law for your current employer or CGI to fire, discipline, or in any manner retaliate against you for taking part in this case.

12. How do I ask the Court to include me in the case?

Attached to this e-mail is a form called "Consent to Join." If you choose to join this lawsuit, sign, and promptly return the Consent to Join form. The Consent to Join Form must be mailed or emailed to:

Rock 'n' Roll Marathon Volunteer Case
[insert claims administrator address]

You can also fax the Consent to Join form to (212) 977-4005.

The signed Consent to Join form must be postmarked or faxed by [insert date 60 days from e-mailing].

13. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by the attorneys who represent the

Plaintiff – Derek Y. Brandt of Brandt Law LLC, P.O. Box 487, Edwardsville, IL 62025, (618) 307-6116, www.brandtlawllc.com and Justin M. Swartz, Juno Turner, and Michael N. Litrownik of Outten & Golden LLP, 3 Park Avenue, 29th Fl., New York, NY 10016, (212) 245-1000, www.outtengolden.com.

However, you are not required to be represented by these attorneys, and may choose to be represented by a different attorney at your own expense.

14. Should I get my own lawyer?

You are not required to, but you may hire your own lawyer at your own expense.

15. How will the lawyers be paid?

The Plaintiff has entered into a contingency fee agreement with her attorneys. Under the agreement, if there is a settlement or if there is a trial and the Plaintiff prevails, the attorneys will ask the Court to approve as their attorneys' fees the greater of: (a) one-third of the recovery, or (b) the "lodestar" amount, calculated by multiplying their reasonable hourly rates by the number of hours expended on the lawsuit. You can obtain a copy of the contingency fee agreement executed by the Plaintiff upon request.

If you choose to hire your own attorney, you will need to reach an agreement with that attorney regarding fees and expenses.

16. Questions?

If you have any questions, please write, e-mail or call [name and contact information of claims administrator]

DATED: _____, 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

YVETTE JOY LIEBESMAN, on behalf of herself and all others similarly situated,

Plaintiff,

No. 14 Civ. 1653 (RLW)

v.

COMPETITOR GROUP, INC.

Defendant.

CONSENT TO JOIN

I consent to be a party plaintiff in a lawsuit against Competitor Group, Inc., and/or related entities and individuals in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

- By checking this box, I designate Brandt Law LLC (“BL”) and Outten & Golden LLP (“O&G”) to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that BL and O&G will petition the Court for attorneys’ fees from any settlement or judgment in the amount of the greater of: (1) the “lodestar” amount, calculated by multiplying reasonable hourly rates by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.
- By checking this box, I state that I will obtain a different attorney. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

Full Legal Name (print)

Signature

Address

City, State and Zip Code

Email Address

Telephone Number

REMINDER REGARDING COMPETITOR GROUP, INC.

ROCK 'N' ROLL MARATHON/HALF-MARATHON UNPAID VOLUNTEER WAGE CASE

Within the past two months, you should have received a Court-authorized e-mail notice explaining that you may be eligible to participate in a collective action lawsuit against Competitor Group, Inc. ("CGI") on behalf of unpaid volunteers. If you have any questions about the notice or the case, or if you did not receive or no longer have the notice, you should contact [insert claims administrator contact information].

Our records indicate that you have not submitted a Consent to Join Form. If you wish to participate in the CGI Volunteer collective action lawsuit, you must complete a Consent to Join Form and mail or email it to:

Rock 'n' Roll Marathon Volunteer Case

[insert claim administrator contact information]

Your Consent to Join Form must be post-marked or emailed no later than _____.